

**SECOND JUDICIAL DISTRICT COURT
CENTER FOR SELF HELP AND DISPUTE RESOLUTION**

SETTLEMENT FACILITATION PROGRAM

**INFORMATION & SUGGESTIONS
FOR FACILITATORS & SUPPORT STAFF**

PLEASE READ THIS DOCUMENT

1. Basics. Local Rule LR2-602 outlines the Court-annexed Settlement Facilitation Program. This rule, effective September 1, 1992, in addition to the enclosed materials, should answer most questions regarding your role as settlement facilitator. Read the enclosed document "Commonly Asked Questions," a copy of which is also provided to all parties in addition to the endorsed copy of the referral and appointment order.

2. Conflicts. Do a conflicts check immediately. In personal injury cases this check includes a determination of the insurance company involved. Early conflicts checks are necessary so a replacement facilitator can be appointed in a timely manner should a conflict arise.

If a possible or actual conflict is found, disclose such immediately to the Center for Self Help and Dispute Resolution, the parties and any co-facilitators; and, if necessary, submit (or have the parties submit) to the assigned Judge a letter requesting that you be excused and replaced. Neither you nor the parties need explain the nature of the conflict. The person submitting the request should provide a copy of the letter to all parties and other facilitators so everyone is kept informed of actions taken related to the case. See Section L of LR2-602.

3. Deadlines. Read the Referral and Appointment Order of the court for deadlines and instructions. Determine whether it is necessary for you, as facilitator, to seek a change in the order, e.g., change the date, extend the deadline for the conference or cancel the conference altogether. As soon as possible, set a date, time and place for the settlement conference by conferring with all the parties and any co-facilitators, and memorialize the setting in a letter to the parties and co-facilitator(s).

4. Decorum. If you have staff with whom you work, talk with them about the course of the settlement facilitation and your obligation, as an arm of the Court, to conduct yourself in a manner consistent with the Code of Judicial Conduct. In particular, use Canons 21-200 (avoidance of impropriety), 21-300 (impartial and diligent performance of duties) and 21-400 (disqualification) for guidance.

5. Co-Facilitations. If you have a co-facilitator, try to meet with him/her prior to the settlement conference to review the issues and work out the practicalities of conducting the conference.

6. Fee Arrangements. You may set your own payment arrangements with the parties (e.g., you may request payment in advance). If the parties do not satisfy your payment arrangements you may cancel the settlement facilitation. If you have been referred a half-day facilitation and you and the parties agree on extending the facilitation, you may facilitate for a longer period of time. Again, you are in charge of payment arrangements for additional time and you may request a rate different from the rate set by the court for the original referral. **Compensation shall not be required for any settlement facilitator for a settlement conference conducted as part of Settlement Week** see Section M of LR2-602.

7. Location for Facilitations: During Settlement Week, the Court schedules most domestic relations cases within the courthouse. The Court expects the domestic relations facilitators not scheduled for a room in the courthouse, as well as the civil facilitators, to arrange for suitable locations outside the courthouse. If necessary, the Center for Self Help and Dispute Resolution office can arrange conference space within the courthouse for you.

8. Special Considerations. Find out whether any special considerations exist which need to be addressed before or during the conference, i.e., security, access for persons with disabilities, interpreters for language and other communication barriers. If any special conditions exist, discuss with the parties what accommodations should be made and which party will be responsible. See Local Rule LR2-112. Ensure that the necessary amenities are provided for the conference such as water, coffee, Kleenex, a flip chart or other large writing surface, marker, extra rooms for caucuses, etc.

9. Information Required from Parties. Remind the parties to timely provide you and any co-facilitators the significantly detailed outline and other information about the case as required by the referral and appointment order and Section H of LR2-602. Review the information provided.

10. Court file documents. Review significant documents from the Court file as necessary. As mentioned above, the parties are required to provide you with information on the case. See Section H of LR2-602. You may, however, wish to review additional documents from the Court file. If so, you may request copies of any document in the Court file. If so, you may request copies of any document in the court file by calling the **Civil Clerk (841-7451)** or **Domestic Relations Clerk (841-6773)**. The copy of the Court's docket, enclosed with your packet, lists all filings to date. **Copies will be provided to you at no cost and you may request that they be mailed to you. You should allow one week for copies to be prepared and mailed.** If you have any problems getting copies from the Clerk's office, contact The Center for Self Help and Dispute Resolution (841-7412) for assistance.

11. Observers. You may allow others, e.g., law students, Court staff, etc., to observe the settlement conference for educational purposes. You can expect to receive requests to observe from law students enrolled in Alternative Dispute Resolution classes.

12. Making a Record. If you think it is appropriate, memorialize immediately any settlement reached. Arrange for this memorialization in advance, e.g., by setting up a tape recorder, scheduling a court reporter to arrive at the end of the conference, etc.

13. Outcome. Please complete and return to the Center for Self Help and Dispute Resolution any evaluation or outcome report forms provided to you for processing.

**Direct Inquiries to: Center for Self Help and Dispute Resolution
Second Judicial District Court
PO Box 488
Albuquerque, NM 87103-0488
(505) 841-7412 Fax: (505) 841-5448**